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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 SAMNANG SOK et al,

11 Petitioners,

12 v.

13 KRISTJEN M NIELSEN et al.,

14 Respondents.
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CASE NO. C18-1089 MJP

MINUTE ORDER

16 The following minute order is made by the direction of the Court, the Honorable Marsha
17 J. Pechman, United States District Judge: The Court is in receipt of the Parties' cross motions
18 for summary judgment (Dkt. Nos. 19, 20), the Responses (Dkt. Nos. 20, 23), the Respondents'
19 Motion to Supplement the Pleadings (Dkt. No. 24), and all related declarations and exhibits.

20 On September 13, 2019 Petitioners filed their Motion for Summary Judgment, seeking a
21 writ of mandamus ordering Respondents to forward Petitioners' appeal materials to the Board of
22 Immigration Appeals ("BIA"). (Dkt. No. 19.) On October 31, 2019 Respondents' filed a
23 Motion to Supplement the pleadings, which includes the BIA's acknowledgement that it received
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1 the Petitioners' appeal on October 10, 2019 (Dkt. No. 24, Declaration of Kristin B. Johnson, Exs.
2 A, B) but Petitioners' contend that Respondents failed to include their timely-filed brief in the
3 record, as statutorily required (Dkt. No. 23 at 3). Therefore, the Court ORDERS the Parties to
4 provide additional briefing on whether Petitioners' brief was forwarded with the record to the
5 BIA. Additionally, Petitioners are Ordered to submit the disputed brief and provide any
6 evidence that would substantiate their claim that their brief was timely submitted, including
7 evidence of the mode of delivery to the Agency. The Parties shall submit the additional briefing
8 and evidence within 10 days of the date of this Order.

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10 The clerk is ordered to provide copies of this order to all counsel.

11 Filed December 18, 2019.

12 William M. McCool
13 Clerk of Court

14 s/Rhonda Miller
15 Deputy Clerk
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